



**Robert LeFever**

00:45:14 2 a correction officer know which reasons should be  
00:45:16 3 in the P-1 and which reasons don't have to be  
00:45:18 4 listed?

00:45:19 5 **A. Yes.**

00:45:21 6 **Q. What is that?**

00:45:21 7 **A. Again, it's experience; just the**  
00:45:23 8 **higher level item issues would be on the**  
00:45:25 9 **memorandum.**

00:45:26 10 **Q. Such as?**

00:45:27 11 **A. Agitated; you know, incoherent.**  
00:45:29 12 **Things like that.**

00:45:30 13 **Q. How about if somebody had a high**  
00:45:32 14 **score of eight or more on a suicide prevention**  
00:45:34 15 **form, would that be on a P-1?**

00:45:36 16 **A. No.**

00:45:38 17 **Q. Would anything about the answers on**  
00:45:40 18 **the Suicide Prevention Screening Guidelines be in**  
00:45:42 19 **the P-1?**

00:45:44 20 **A. Not necessarily.**

00:45:46 21 **Q. Under what circumstances would it**  
00:45:48 22 **be, and what circumstances wouldn't it be?**

00:45:50 23 **A. If there was a significant**  
00:45:52 24 **statement, perhaps. Other than that, no.**

00:45:54 25 **Q. If an inmate came into the facility**

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00:49:06 2 having a history of addiction or significant  
00:49:08 3 history of drug use or alcohol use, would that be  
00:49:10 4 in a P-1?

00:49:12 5 **A. No.**

00:49:14 6 **Q. If an inmate was placed on a**  
00:49:16 7 **heightened level of supervision, like a constant**  
00:49:18 8 **watch or a 15-minute watch, would that be in the**  
00:49:20 9 **P-1?**

00:49:22 10 **A. That's what the P-1 would say, yes.**

00:49:24 11 **Q. And in terms of that P-1, if**  
00:49:26 12 **somebody was placed on a 15-minute supervisory**  
00:49:28 13 **visit or a constant watch and the reason for it**  
00:49:30 14 **related to a history of drug or alcohol use,**  
00:49:32 15 **should that go in the P-1?**

00:49:34 16 **A. Not necessarily.**

00:49:36 17 **Q. If the reason for the heightened**  
00:49:38 18 **level of supervision was answers on a suicide**  
00:49:40 19 **screening form, should that go in a P-1?**

00:49:42 20 **A. No.**

00:49:44 21 **Q. In terms of the policies -- again,**  
00:49:46 22 **Exhibit 2, Number 6 -- it says, "The booking**  
00:49:48 23 **officer shall assign appropriate housing based**  
00:49:50 24 **upon the results of the completed form Number 330**  
00:49:52 25 **ADM and other classification determination."**

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**Robert LeFever**

00:50:18 2 Do you see that?

00:50:19 3 **A. Yes.**

00:50:21 4 **Q. Is there anything in any written**  
00:50:23 5 **policy or procedure that indicates what**  
00:50:25 6 **appropriate housing should be, based on the**  
00:50:27 7 **results of a suicide screening form?**

00:50:29 8 **A. No.**

00:50:31 9 **Q. Any practices or training as far as**  
00:50:33 10 **you're aware?**

00:50:35 11 **A. No.**

00:50:37 12 **Q. And in terms of the "Other"**  
00:50:39 13 **classification determination, do you have any**  
00:50:41 14 **understanding as to what that refers to?**

00:50:43 15 **A. Victimization, hostile relations,**  
00:50:45 16 **prior incarcerations or lack thereof.**

00:50:47 17 **Q. Number 7 refers to "Initiate the**  
00:50:49 18 **required documentation for prisoner referral to**  
00:50:51 19 **appropriate health service agency, if required."**  
00:50:53 20 **Is that the Mental Health Routing**  
00:50:55 21 **Sheet that you referred to earlier?**

00:50:57 22 **A. Yes.**

00:51:00 23 **Q. Anything else?**

00:51:02 24 **A. No.**

00:51:04 25 **Q. Flip to the next page, Article 15-3,**

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**Robert LeFever**

00:51:43 2 Mental Health Referral Policy.

00:51:45 3 Do you see that section?

00:51:47 4 **A. Yes.**

00:51:49 5 **Q. Go to the next page, which has**  
00:51:51 6 **letter D, Procedural Guidelines. "Tour**  
00:51:53 7 **supervisor will..." Do you see that?**

00:51:55 8 **A. Yes.**

00:51:57 9 **Q. If you take a look at Number 1,**  
00:52:00 10 **small letter (d): "Tour supervisor will ensure**  
00:52:02 11 **that appropriate supervision is given to any**  
00:52:04 12 **prisoner who is determined to be a threat to**  
00:52:06 13 **himself or herself."**

00:52:08 14 Do you see that?

00:52:10 15 **A. Yes.**

00:52:12 16 **Q. And in terms of making a**  
00:52:14 17 **determination as to whether somebody's a threat**  
00:52:16 18 **to himself or herself, is that based on the**  
00:52:18 19 **suicide prevention screening results?**

00:52:20 20 **A. Yes.**

00:52:22 21 **Q. So, if there is a score of eight or**  
00:52:24 22 **higher, that person would be considered a threat**  
00:52:26 23 **to himself or herself?**

00:52:28 24 **A. Yes.**

00:52:30 25 **Q. And the tour supervisor has the**

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1  
00:52:27 2 responsibility to ensure that appropriate  
00:52:28 3 supervision is given to those types of prisoners;  
or 4 correct?  
A. 5 Yes.  
00:52:34 6 Q. So, if a correction officer failed  
00:52:35 7 to do that, a tour supervisor would have that  
00:52:36 8 back-up responsibility?  
A. 9 Yes.  
00:52:39 10 Q. Is that one of the reasons why a  
00:52:41 11 tour supervisor is required to review the suicide  
00:52:41 12 screening form?  
A. 13 Yes.  
00:52:44 14 Q. Tour supervisor will, Number 1,  
00:52:45 15 small letter (e): "Forward a copy of screening  
00:52:50 16 form Number 330 ADM with the inmate if he/she is  
00:52:54 17 being referred to a health-service provider."  
00:52:58 18 Do you see that?  
A. 19 Yes.  
00:53:01 20 Q. Is it in fact practiced that the  
00:53:01 21 inmate gets a copy of the suicide screening form?  
A. 22 No.  
00:53:11 23 Q. And how is it, then, that that form  
00:53:15 24 is forwarded with the inmate?  
A. 25 The inmate doesn't go with the form.  
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**Robert LeFever**

1  
00:53:24 2 Q. So, where does the form go; to  
00:53:26 3 medical on its own?  
A. 4 Yes. The form goes to medical on  
00:53:26 5 its own.  
Q. 6 In terms of medical, are you aware  
00:53:29 7 of any requirements that they see an inmate  
00:53:32 8 within any certain number of days or hours of  
00:53:36 9 their arrival at the facility?  
A. 10 Within two hours.  
Q. 11 And is that contained in any policy  
00:53:40 12 or procedure?  
A. 13 Policy and procedure, no.  
Q. 14 That's the practice in the jail?  
A. 15 Yes.  
Q. 16 And for how long has that been true?  
A. 17 Since we started with the contract  
00:53:51 18 service.  
Q. 19 AmeriCor?  
A. 20 Yes.  
Q. 21 And do you know for how long  
00:53:56 22 AmeriCor has been providing medical services in  
00:54:00 23 the jail?  
A. 24 Five years this year.  
Q. 25 As far as you know, does AmeriCor's  
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**Robert LeFever**

1  
00:54:12 2 staff have any role in determining level of  
00:54:15 3 supervision that's instituted for an incoming  
00:54:17 4 inmate?  
A. 5 Yes.  
Q. 6 What is their role?  
A. 7 If they see a medical problem, like  
00:54:20 8 high blood pressure, they may put someone on a  
00:54:22 9 15-minute supervision.  
Q. 10 How about if it's not a medical but  
00:54:24 11 a mental issue, such as a suicide risk --  
A. 12 No.  
Q. 13 -- does AmeriCor have any role in  
00:54:27 14 determining a level of --  
A. 15 No.  
Q. 16 -- supervision?  
Q. 17 Are you aware of whether or not  
00:54:30 18 AmeriCor staff reviews the Suicide Prevention  
00:54:32 19 Screening Guidelines for an incoming inmate?  
A. 20 No.  
Q. 21 You're not aware; or no, they don't?  
A. 22 I'm not aware.  
Q. 23 Are you aware of any training that's  
00:54:35 24 been given to any of the medical staff from  
00:54:37 25 AmeriCor?  
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**Robert LeFever**

1  
00:55:18 2 A. In regards to?  
Q. 3 Suicide prevention.  
A. 4 Yes.  
Q. 5 And when did that training begin?  
A. 6 Last year.  
Q. 7 In 2007?  
A. 8 In '07.  
Q. 9 And whose determination was that?  
A. 10 Myself and Sheriff Smith.  
Q. 11 And did that come about as a result  
00:55:33 12 of a discussion that you had with Smith?  
A. 13 Yes.  
Q. 14 What was the nature of that  
00:55:37 15 discussion?  
A. 16 Just to have medical more involved.  
Q. 17 They were involved in the medical piece and just  
00:55:40 18 not to have them involved with the suicide  
00:55:42 19 screening after the fact was -- was -- we just  
00:55:44 20 thought it would be more appropriate for them to  
00:55:46 21 be involved with it.  
Q. 22 And why is that?  
A. 23 Because they're part of the medical  
00:55:48 24 staff. They just get the record for them to  
00:55:50 25 understand what they're looking at.  
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**Robert LeFever**

**Q.** And are you aware of, with respect to the training that the medical staff received, if they were told that they have an obligation to do anything if the score is eight or higher?

**MR. COON:** Objection to form.

**A. No.**

**Q.** Are you aware if they were told or trained as to what to do if a shaded area is checked?

**A. No.**

**Q.** Are you aware of -- again, since that training -- medical staff making recommendations to correction officers or sergeants about the level of supervision that should be instituted?

**A. No.**

**Q.** Other than you and Smith, did anybody else partake in the discussions about having medical involved in the suicide screening?

**A. I don't remember.**

**Q.** Do you recall if that discussion was prompted by anything that was issued by the State Commission?

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**Robert LeFever**

**A. No.**

**Q.** No, it wasn't?

**A. No, it was not.**

**Q.** When AmeriCor came into the facility, did you review anything pertaining to their proposal?

**A. Yes.**

**Q.** And at some point in time, a contract was entered into.

You're aware of that?

**A. Yes.**

**Q.** Did you review that contract, as well?

**A. Yes.**

**Q.** As part of that contract, there were modifications over the years, but there was an addendum which listed, on Schedule A, the services that AmeriCor would provide.

Do you recall that?

**A. Yes.**

**Q.** Did you review that at that time, also?

**A. Yes.**

**Q.** Did you have any discussions with

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**Robert LeFever**

Smith about anything pertaining to what AmeriCor indicated it would do?

**A. I don't remember.**

**Q.** Including in or about '07 or '06, when it was determined that medical staff would be trained?

**A. No.**

**Q.** Take a look, if you would, at the next page. It's Policy Section 15-4. Do you see that at the top?

**A. Yes. Yes.**

**Q.** And that section, Article 15-4 continues to the next page, Number 3: "Tour supervisor will, (a): Assure that constant supervision is immediately provided for the following types of prisoners: One, suicidal prisoners."

Do you see that?

**A. Yes.**

**Q.** And in terms of that responsibility on the part of the tour supervisor, suicidal prisoners, is that determination made based on the score of the Suicide Prevention Screening Guideline form?

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**Robert LeFever**

**A. No.**

**Q.** What is it based on?

**A. It's based on the score and also observation; subjective, again.**

**Q.** But one of the determinations could be made solely on the basis of the score of eight or more?

**A. Yes.**

**Q.** So, if somebody scored an eight or higher on the form, not only would the correction officer have the responsibility to implement constant supervision, but the tour supervisor would also be responsible for ensuring that that was carried out?

**A. Yes.**

**Q.** Letter (c) says: "Assure that active supervision is immediately provided for prisoners who are intoxicated by drugs or alcohol, but who do not appear to be a danger to themselves or others."

What is "active supervision," as referred to there?

**A. Active supervision is our 15-minute supervisory visit.**

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**Robert LeFever****Q.** Is that defined anywhere?**A.** Yes; in one of our procedures.**Q.** Do you know which one?**A.** No, I do not.**Q.** So, prisoners who come in, who are visibility intoxicated by drugs or alcohol, are required to be placed on a 15-minute watch?**A.** Yes.**Q.** And if the inmate does not appear to be at that time intoxicated by drugs or alcohol but has a history of addiction or significant use of drugs or alcohol, is there anything that requires active or other supervision in that case?**A.** No.**Q.** Would that be left to the discretion of the correction officer or sergeant?**A.** Yes.**Q.** With respect to the ADM 330 and the form that Putnam County uses, which both have been marked as -- Exhibit 1 as the state's form, Exhibit 3 as the county's form -- there are differences in those forms; correct?**A.** Yes.

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**Robert LeFever****Q.** And one of the references pertains to the bottom section, where it refers to the action that should be taken; correct?**A.** Yes.**Q.** And the state form, the ADM 330, specifies in substance that if the score is eight or more or a shaded box is checked or for any other reason that is apparent to an intake officer, they not only have to notify the supervisor but also institute constant watch?**A.** Yes.**Q.** And that says that directly on the form; correct?**A.** Yes.**Q.** The Putnam County form does not have any language along those lines; correct?**A.** Correct.**Q.** And who made the determination, then, to modify the state's form and remove the provision that requires constant watch if the score is eight or higher or a shaded box is checked?**A.** I don't remember.**Q.** Do you recall if that was you?

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**Robert LeFever****A.** No.**Q.** Would it have been somebody higher in the chain of command than you?**A.** Yes.**Q.** And do you recall what level?**A.** No.**Q.** Prior to the form being implemented by Putnam County, do you know if the sheriff at that time reviewed it?**A.** I don't remember.**Q.** Or if anybody from the administration reviewed it?**A.** I don't remember.**Q.** And have you had discussions with anybody at any point in time about that modification that was done on the form?**A.** No.**Q.** Has anybody ever asked you any questions, including through today, as to why there is a difference between those two forms?**A.** Only with counsel.**Q.** Other than with counsel?**A.** No.**Q.** And with respect to the form,

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**Robert LeFever****Q.** And one of the references pertains to the bottom section, where it refers to the action that should be taken; correct?**A.** Yes.**Q.** In all of these years, have you ever thought to make that change to the form?**A.** No.**MR. RANDAZZO:** Objection to the form.**Q.** In fact, the Putnam County regulations, the Article 15, specifically refers to the 330 ADM; correct?**A.** Yes.**Q.** And the training that the officers are given shows them the ADM 330; correct?**A.** Yes.**Q.** Did anybody in all of those years ever ask any questions as to why the state form is different from the county's form?**A.** No.**Q.** Including, in any training?**A.** No.**Q.** In any training that you've

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**Robert LeFever**

1 attended, has anybody ever explained to an  
 2 officer that even though the county form does not  
 3 have that language, that's what's required;  
 4 meaning, constant watch must be implemented if  
 5 the score is eight or higher?

6 **A. Yes.**

7 **Q. That's been explained?**

8 **A. Yes.**

9 **Q. Has anybody pointed out, in all of**  
 10 **the training, that even though it's not on the**  
 11 **form, that's what's required?**

12 **A. Yes.**

13 **Q. So, they've specified that the**  
 14 **county form does not contain that language in the**  
 15 **training sessions?**

16 **A. Yes.**

17 **Q. And they've explained in the**  
 18 **training sessions that you've personally been at,**  
 19 **that constant watch should be implemented?**

20 **A. Yes.**

21 **Q. Would it surprise you if I told you**  
 22 **that correction officers in the facility are not**  
 23 **aware of that?**

24 **MR. RANDAZZO: Objection to**  
 25 **COMPU-TRAN SHORTHAND REPORTING**

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**Robert LeFever**

1 the form.

2 **MR. COON: Objection.**

3 **A. I -- I don't know.**

4 **Q. With respect to the ADM 330, it**  
 5 **specifically refers to, if a shaded box is**  
 6 **checked, institute constant watch; correct?**

7 **A. Yes.**

8 **Q. But as far as you can recall,**  
 9 **there's been no policy, procedure, or training**  
 10 **that tells an officer that if a shaded box is**  
 11 **checked, constant watch should be instituted?**

12 **A. That's correct.**

13 **Q. Did anybody at any of the training**  
 14 **sessions you've attended ever explain why the**  
 15 **form that the state uses differs from the county**  
 16 **form in that regard?**

17 **A. No.**

18 **Q. Did you ever see Exhibit 9, which is**  
 19 **an officer's handbook on suicide prevention and**  
 20 **crisis intervention in county jails and police**  
 21 **lock-ups?**

22 **A. Yes.**

23 **Q. Under what circumstances have you**  
 24 **seen that?**

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**Robert LeFever**

1 **A. This is handed out at training.**

2 **Q. And is this handed out at every**  
 3 **training that you've attended?**

4 **A. I don't recall.**

5 **Q. Do you recall, for example, if it**  
 6 **was not your first time attending training but a**  
 7 **subsequent time, if you didn't receive a copy of**  
 8 **this?**

9 **A. Maybe a couple of times in all the**  
 10 **training.**

11 **Q. And has it always been this form,**  
 12 **the 1994 version?**

13 **A. I don't know.**

14 **Q. Do you know of any other officer's**  
 15 **handbooks that have been handed out in training?**

16 **A. Regarding this?**

17 **Q. Yes.**

18 **A. Only this one that I know of.**

19 **Q. The 1994 version?**

20 **A. There may have been one, you know,**  
 21 **from '88. I don't know.**

22 **Q. But since '94, this is the one**  
 23 **that's been handed out?**

24 **A. I believe so, yes.**

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**Robert LeFever**

1 **Q. And do you know who created the**  
 2 **officer's handbook?**

3 **A. I believe the State Office of Mental**  
 4 **Hygiene.**

5 **Q. And is that, then, provided to the**  
 6 **county facility for use in its training?**

7 **A. Yes.**

8 **Q. Have you ever inquired of anybody at**  
 9 **the State Office of Mental Hygiene or the**  
 10 **Commission of Correction as to whether this**  
 11 **handbook has been updated at all?**

12 **A. About two weeks ago.**

13 **Q. And what did you learn?**

14 **A. That it has not been updated.**

15 **Q. If you would just take a look at**  
 16 **Page 17 under the section that says**  
 17 **"Supervision," the bottom: "Once you have made**  
 18 **an assessment of a suicide risk, supervision is**  
 19 **your basic prevention tool. According to**  
 20 **Commission of Correction regulations, constant**  
 21 **supervision should be given to all high-risk**  
 22 **inmates."**

23 **Do you see that?**

24 **A. Yes.**

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1 **Robert LeFever**  
 01:07:00 2 Q. Was that covered as part of the  
 01:07:02 3 training?  
 01:07:04 4 A. I believe so.  
 01:07:06 5 Q. And in terms of this handbook, was  
 01:07:08 6 it, the substance of it, gone over in the  
 01:07:10 7 training classes you've attended?  
 01:07:12 8 A. Yes.  
 01:07:14 9 Q. And in terms of this provision, it  
 01:07:16 10 refers to the Commission of Correction  
 01:07:18 11 regulations.  
 01:07:20 12 Do you know what those regulations  
 01:07:22 13 are?  
 01:07:24 14 A. No.  
 01:07:26 15 Q. Did you ever inquire?  
 01:07:28 16 A. No.  
 01:07:30 17 Q. In terms of "all high-risk inmates,"  
 01:07:32 18 do you understand that to be somebody among the  
 01:07:34 19 others, but somebody who scores eight or higher  
 01:07:36 20 on the Suicide Prevention Screening Form?  
 01:07:38 21 A. Yes. Yes.  
 01:07:40 22 Q. Would it surprise you if I told you  
 01:07:42 23 that there was testimony in this case that  
 01:07:44 24 individuals were unaware of Commission of  
 01:07:46 25 Correction regulations requiring constant  
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 1 **Robert LeFever**  
 01:07:48 2 supervision --  
 01:07:50 3 A. No.  
 01:07:52 4 Q. -- for all high-risk inmates?  
 01:07:54 5 A. No.  
 01:07:56 6 MR. RANDAZZO: Objection to  
 01:07:58 7 the form.  
 01:08:00 8 Q. Why wouldn't that surprise you?  
 01:08:02 9 MR. RANDAZZO: Objection to  
 01:08:04 10 the form.  
 01:08:06 11 A. It's not trained that way.  
 01:08:08 12 Q. How is it trained?  
 01:08:10 13 A. It's trained that it's a subjective  
 01:08:12 14 evaluation.  
 01:08:14 15 Q. So, what does that mean?  
 01:08:16 16 A. It -- you can put somebody on  
 01:08:18 17 constant watch for one -- for a score of two or  
 01:08:20 18 three.  
 01:08:22 19 Q. But if the score is eight or higher,  
 01:08:24 20 it's trained that they must be placed on a  
 01:08:26 21 constant watch?  
 01:08:28 22 A. Yes.  
 01:08:30 23 Q. You're sure of that?  
 01:08:32 24 MR. RANDAZZO: Objection to  
 01:08:34 25 the form.  
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1 **Robert LeFever**  
 01:08:36 2 A. Yes.  
 01:08:38 3 Q. Take a look, if you would, at Page 6.  
 01:08:40 4 A. (Witness complies)  
 01:08:42 5 Q. Under the "Detoxification" section --  
 01:08:44 6 do you see that, six. Right there. (Indicating)  
 01:08:46 7 A. Okay. Yes.  
 01:08:48 8 Q. You got that?  
 01:08:50 9 A. Yes.  
 01:08:52 10 Q. Do you recall if, during the  
 01:08:54 11 training, anything was discussed about how --  
 01:08:56 12 what's indicated here, "Somebody who's  
 01:08:58 13 withdrawing from alcohol or drugs, especially if  
 01:09:00 14 the person is addicted, can be so physically  
 01:09:02 15 painful and psychologically uncomfortable that  
 01:09:04 16 suicide may seem like the only relief available  
 01:09:06 17 at the time."  
 01:09:08 18 A. Yes.  
 01:09:10 19 Q. And that was gone over at each of  
 01:09:12 20 the training sessions that you've attended?  
 01:09:14 21 A. Yes.  
 01:09:16 22 Q. Do you know if there's any policies  
 01:09:18 23 or procedures at Putnam County Correctional  
 01:09:20 24 Facility that take into consideration the fact  
 01:09:22 25 that individuals who are withdrawing can  
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 1 **Robert LeFever**  
 01:09:24 2 oftentimes resort to suicide, due to the mental  
 01:09:26 3 and physical pain of that withdrawal?  
 01:09:28 4 A. No.  
 01:09:30 5 Q. So, other than the verbal training,  
 01:09:32 6 are you aware of anything that provides any  
 01:09:34 7 guidance to correction officers or sergeants, for  
 01:09:36 8 those who are going through withdrawal?  
 01:09:38 9 A. No.  
 01:09:40 10 MR. KLEINBERG: Can we take  
 01:09:42 11 a break?  
 01:09:44 12 MS. BERG: You want to take  
 01:09:46 13 a break? Sure.  
 01:09:48 14 (Recess held)  
 01:09:50 15 MR. RANDAZZO: He just  
 01:09:52 16 wanted to clarify something from something  
 01:09:54 17 earlier.  
 01:09:56 18 CONTINUED EXAMINATION BY MS. BERG:  
 01:09:58 19 Q. Go ahead.  
 01:10:00 20 A. Earlier, you asked if there were  
 01:10:02 21 discussions about changing the form, Suicide  
 01:10:04 22 Screening Prevention form.  
 01:10:06 23 Q. Yes.  
 01:10:08 24 A. Yes, there was discussion recently  
 01:10:10 25 with Sheriff Smith, and the discussion ended --  
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Robert LeFever

1 we decided to do away with our county form and go  
2 with the state form.  
3 Q. And when was that?  
4 A. Within the last month.  
5 Q. Who else was involved in that  
6 discussion, if anyone?  
7 A. No one else, I believe.  
8 Q. And since that discussion, has the  
9 form actually been changed?  
10 A. We use the state form now, yes.  
11 Q. And when was the first time that the  
12 state form was used?  
13 A. About a month ago.  
14 Q. And do you recall who first proposed  
15 changing the form?  
16 A. No, I don't.  
17 Q. How was it that you became involved  
18 in the discussions?  
19 A. As the jail administrator.  
20 Q. In other words, did Smith call you  
21 in and suggest it to you? Did you suggest it to  
22 Smith? You know, something else?  
23 A. I think it was just in a discussion,  
24 mutual discussion on the topic.  
25

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Robert LeFever

1 Q. And do you recall if anything more  
2 specific was said, other than, you're going to go  
3 with the state form?  
4 A. No.  
5 Q. Was any reason given?  
6 A. Just to use the state form.  
7 Q. Was any reason given, though?  
8 A. Just to make it easier, I guess;  
9 simplify it.  
10 Q. Do you know what, if anything,  
11 prompted that discussion?  
12 A. No.  
13 Q. Part of the state form, Exhibit 1,  
14 has an Instruction Sheet.  
15 Have you ever seen that?  
16 A. Yes.  
17 Q. Is that also provided to the  
18 correction officers?  
19 A. Yes.  
20 Q. And has that been true since the  
21 state form has been used?  
22 A. Yes.  
23 Q. Prior to that time, were  
24 instructions provided with the suicide screening  
25

COMPU-TRAN SHORTHAND REPORTING

Robert LeFever

1 forms?  
2 A. No.  
3 Q. Prior to your recent discussion with  
4 Sheriff Smith in the last month or so, did you  
5 ever have any communications with anybody as to  
6 why there was no written policy or procedure  
7 that, with respect to a score of eight or higher,  
8 constant watch is automatic?  
9 A. No.  
10 Q. In other words, in all of the years  
11 of training that you've attended where that's  
12 been verbally told to you, as you say, did you  
13 ever point out to anyone, as the jail  
14 administrator or otherwise, that there was  
15 nothing in writing in Putnam County that provided  
16 that?  
17 A. No.  
18 Q. Whose responsibility would it be to  
19 implement policies or procedures that are  
20 consistent with the state standards?  
21 MR. RANDAZZO: Objection to  
22 the form.  
23 MR. KLEINBERG: Objection.  
24 A. Sheriff Smith.  
25

COMPU-TRAN SHORTHAND REPORTING

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Robert LeFever

1 Q. Or the prior sheriff?  
2 A. Or the prior sheriff. The sheriff,  
3 the sitting sheriff.  
4 Q. In terms of the ADM 330 and the  
5 county form -- again, prior to the state form  
6 coming into the facility about a month ago -- you  
7 indicated back in 1988 or so, you did have input  
8 into drafting the SOJ 32?  
9 A. Yes.  
10 Q. And do you recall at that point in  
11 time you were a sergeant, but you were acting in  
12 the role of lieutenant?  
13 A. The administrative sergeant, yes.  
14 Q. Because there was no lieutenant at  
15 the time?  
16 A. Correct.  
17 Q. And so, who did you report to then?  
18 The captain?  
19 A. Yes.  
20 Q. Was that Butler?  
21 A. Yes.  
22 Q. And who was the undersheriff?  
23 A. Phil Prinz.  
24 Q. And who was the sheriff?  
25

COMPU-TRAN SHORTHAND REPORTING



**Robert LeFever**

1  
01:27:14 2 **A. Thoubboron.**  
01:27:17 3 **Q.** And do you recall having any  
01 4 discussion with Butler, Prinz, and Thoubboron, or  
01:27:24 5 any of them, about modifying the state form?  
01:27:25 6 **A. I don't remember.**  
01:27:26 7 **Q.** Do you recall if anybody higher than  
01:27:28 8 you in the chain of command approved the use of  
01:27:31 9 the SOJ 32?  
01:27:32 10 **A. I don't remember. I would imagine**  
01:27:34 11 **so, yes.**  
01:27:35 12 **Q.** And would you at that time, as  
01:27:37 13 administrative sergeant, have the authority to  
01:27:39 14 put the form in place?  
01:27:40 15 **A. No.**  
01:27:40 16 **Q.** Do you recall who, then -- either  
01:27:42 17 Captain Butler, Undersheriff Prinz, or Sheriff  
01:27:46 18 Thoubboron -- approved the use of that form?  
01:27:48 19 **A. Don't remember.**  
01:27:48 20 **Q.** Do you recall who first suggested  
01:27:51 21 modifying the form to remove the part about  
01:27:53 22 implementing constant watch?  
01:27:56 23 **A. No, I don't remember.**  
01:27:57 24 **Q.** Did you have any discussions with  
01:27:58 25 anybody as to why the form was changed in that  
**COMPU-TRAN SHORTHAND REPORTING**

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**Robert LeFever**

01:28:01 2 way?  
01:28:01 3 **A. Don't remember.**  
01:28:02 4 **Q.** Do you recall any discussions at  
01:28:04 5 that time about cost saving?  
01:28:11 6 **A. No.**  
01:28:11 7 **Q.** When Sheriff Smith took office in  
01:28:15 8 about January of 2002 and since that time, have  
01:28:18 9 you had any discussions with him about any of the  
01:28:20 10 suicide-prevention procedures or policies?  
01:28:22 11 **A. No.**  
01:28:22 12 **Q.** Have you had any discussions with  
01:28:24 13 him about -- other than the one a month ago --  
01:28:26 14 about the form being different?  
01:28:28 15 **A. No.**  
01:28:28 16 **Q.** Has he ever asked you any questions,  
01:28:33 17 either through him or through his undersheriff,  
01:28:35 18 about what procedures or policies are in place in  
01:28:38 19 the jail?  
01:28:39 20 **A. No.**  
01:28:40 21 **Q.** When Sheriff Smith took office, did  
01:28:45 22 anybody in his administration, including him,  
01:28:48 23 ever conduct any review of jail policies or  
01:28:50 24 procedures?  
01:28:50 25 **A. They may have.**  
**COMPU-TRAN SHORTHAND REPORTING**

**Robert LeFever**

1  
01:28:51 2 **Q.** Do you recall?  
01:28:52 3 **A. No.**  
01:28:52 4 **Q.** Did you bring anybody in the  
01:28:55 5 administration, either undersheriff or sheriff,  
01:28:58 6 up to speed on how the workings of the jail at  
01:29:01 7 that time and since that time have operated?  
01:29:04 8 **A. Yes.**  
01:29:05 9 **Q.** Did you do that on a regular basis?  
01:29:07 10 **A. Periodic.**  
01:29:08 11 **Q.** And during any of those updates or  
01:29:12 12 bringing them up to speed, did anything about  
01:29:14 13 suicide prevention come up?  
01:29:15 14 **A. No.**  
01:29:16 15 **Q.** Since Smith took office, there have  
01:29:18 16 been two suicides in the jail; correct?  
01:29:21 17 **A. Yes.**  
01:29:22 18 **Q.** One was Rivera, and one was Sinkov?  
01:29:24 19 **A. Yes.**  
01:29:26 20 **Q.** And there was also an attempted  
01:29:27 21 suicide; correct?  
01:29:27 22 **A. Yes.**  
01:29:28 23 **Q.** By a man named Rodriguez?  
01:29:31 24 **A. Yes.**  
01:29:32 25 **Q.** Any other attempted suicides since  
**COMPU-TRAN SHORTHAND REPORTING**

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**Robert LeFever**

01:29:34 2 Smith took office?  
01:29:36 3 **A. No.**  
01:29:38 4 **Q.** In connection with any of the  
01:29:40 5 attempted or actual suicides in the jail, did you  
01:29:42 6 have any conversations with Undersheriff Convery  
01:29:44 7 or Sheriff Smith about the jail's policies or  
01:29:46 8 procedures?  
01:29:48 9 **A. No.**  
01:29:48 10 **Q.** Did you have any conversations with  
01:29:50 11 them about the suicide screening forms?  
01:29:52 12 **A. No.**  
01:29:53 13 **Q.** Did they ask you any questions at  
01:29:55 14 any point in time about what methods or  
01:29:57 15 procedures are in place to ensure that a suicide  
01:29:59 16 didn't happen or an attempt didn't happen again?  
01:30:03 17 **A. No.**  
01:30:03 18 **Q.** Did you ever see Exhibit 8, which is  
01:30:16 19 the Trainer's Manual?  
01:30:18 20 **A. Yes.**  
01:30:19 21 **Q.** Under what circumstances?  
01:30:21 22 **A. Yesterday, with counsel.**  
01:30:22 23 **Q.** Prior to that, had you ever seen it?  
01:30:26 24 **A. No.**  
01:30:28 25 **Q.** Do you see -- on the top page cover  
**COMPU-TRAN SHORTHAND REPORTING**

Robert LeFever

1 sheet it has some handwritten notations.  
 2 Do you recognize the handwriting?  
 3 A. No.  
 4 Q. Do you know if anybody in the Putnam  
 5 County Correctional Facility has ever received a  
 6 copy of Exhibit 8, the Training Manual?  
 7 A. Yes.  
 8 Q. Those would be the individuals you  
 9 listed earlier?  
 10 A. Yes.  
 11 Q. And did you distribute the Training  
 12 Manual to them?  
 13 A. No.  
 14 Q. Do you know how they got it?  
 15 A. No.  
 16 Q. On the first page -- I'm sorry;  
 17 second page, small "it" at the bottom: "Message  
 18 to the trainer," in bold: "Prior to training, it  
 19 is essential that local mental health and police/  
 20 correctional officials draft coordinated suicide  
 21 prevention procedures." Continuing down on that  
 22 same paragraph, "We cannot over-emphasize the  
 23 importance of developing procedures; the program  
 24 cannot succeed unless staff knows what to do with  
 25

COMPU-TRAN SHORTHAND REPORTING

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Robert LeFever

1 an identified high-risk inmate."  
 2 Did any instructor ever bring to  
 3 your attention anything about the fact that the  
 4 Putnam County Correctional Facility procedures  
 5 and policies did not have anything about constant  
 6 watch being automatic in the case of a high-risk  
 7 inmate?  
 8 MR. KLEINBERG: Objection.  
 9 A. No.  
 10 Q. Did anybody ever -- did you ever  
 11 bring that to anybody's attention?  
 12 A. No.  
 13 Q. Did you ever have any discussions  
 14 with Sheriff Smith about changing any of the  
 15 procedures or policies?  
 16 A. Just regarding the form.  
 17 Q. Other than the form, itself?  
 18 A. No.  
 19 Q. If you take a look at Roman numeral  
 20 I-3.  
 21 A. (Witness complies)  
 22 Q. It refers to "Forensic Suicide  
 23 Prevention Crisis Service Project. 1986 to  
 24 2000."  
 25

COMPU-TRAN SHORTHAND REPORTING

Robert LeFever

1 Do you see that?  
 2 A. Yes.  
 3 Q. Do you know what that project is?  
 4 A. No.  
 5 Q. Have you ever heard of it before?  
 6 A. No.  
 7 Q. Did anybody ever indicate to you  
 8 that the form, the ADM 330, is part of that  
 9 project?  
 10 A. No.  
 11 Q. Or that that project was something  
 12 that came into place through the State Commission  
 13 after its collaborative efforts with local  
 14 sheriffs?  
 15 A. No.  
 16 Q. Did you ever come to learn that the  
 17 training that's given at Putnam County  
 18 Correctional Facility is part of that project?  
 19 A. No.  
 20 Q. Turn towards the back, if you would,  
 21 Roman numeral VI-11. It refer to, at the top,  
 22 "Action to be taken by supervisor: Constant  
 23 (one-to-one) is the only acceptable level for  
 24 supervision watch in New York State."  
 25

COMPU-TRAN SHORTHAND REPORTING

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Robert LeFever

1 Do you see that?  
 2 A. Yes.  
 3 Q. In the right column, the  
 4 Instructor's note: "See New York State  
 5 Commission of Correction Chairman's Memorandum  
 6 Number 17.99, November 1, 1999."  
 7 Do you recall if anybody, as part of  
 8 your training, referred to that memorandum?  
 9 A. Yes.  
 10 Q. Was it given to you as a hand-out?  
 11 A. I don't remember, as a hand-out.  
 12 Q. And do you recall if it was  
 13 explained what was contained in that memorandum?  
 14 A. They were reaffirming the  
 15 Commission's standard that a 15-minute watch or  
 16 any other type of watch is not acceptable for  
 17 suicide risk.  
 18 Q. And reaffirming the Commission's  
 19 standard that constant watch is automatic in  
 20 cases where the person poses as a suicide risk?  
 21 A. No.  
 22 Q. It didn't confirm that?  
 23 A. No.  
 24 Q. So, it just confirmed that the  
 25

COMPU-TRAN SHORTHAND REPORTING

Robert LeFever

1  
01:35:03 2 15-minute watch or other level or watch is  
01:35:07 3 insufficient?  
01 4 A. Correct.  
01:35:13 5 Q. And "other level," meaning other  
01:35:17 6 than constant?  
01:35:11 7 A. Yes; a lesser level.  
01:35:14 8 Q. Was that memorandum shown to the  
01:35:16 9 members in attendance at the training?  
01:35:18 10 A. I believe so.  
01:35:21 11 MS. BERG: I'd like to have  
01:35:22 12 marked as Exhibit 34 a copy of the  
01:35:27 13 Chairman's Memorandum Number 17-99,  
01:35:42 14 November 1, 1999.  
01:35:43 15 (Whereupon, Chairman's Memorandum  
01:35:45 16 17-99, November 1, 1999, was marked as  
01:35:53 17 Plaintiff's Exhibit No. 34, for id.)  
01:35:56 18 Q. I'm just showing you Exhibit 34.  
01:36:56 19 (Handing)  
01:37:03 20 Do you recognize that as the  
01:37:01 21 Chairman's Memorandum from November 1, 1999?  
01:37:04 22 A. Yes.  
01:37:04 23 Q. And do you recall if that  
01:37:05 24 memorandum, the substance of it was discussed at  
01:37:09 25 each of the training sessions you've attended  
COMPU-TRAN SHORTHAND REPORTING

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Robert LeFever

1  
01:37:11 2 since 1988 -- or I'm sorry; I should say, since  
01:37:15 3 1999.  
01:37:15 4 A. I believe so.  
01:37:18 5 Q. And do you recall if anything  
01:37:18 6 specific was highlighted at that time, in or  
01:37:20 7 around '99, as to the issuance of this  
01:37:23 8 memorandum?  
01:37:23 9 A. No.  
01:37:24 10 Q. On the second page, the first  
01:37:34 11 paragraph refers to an investigation that was  
01:37:38 12 conducted by the Medical Review Board, in  
01:37:41 13 which -- the second page at the top, I'm just  
01:37:45 14 summarizing.  
01:37:46 15 A. Oh.  
01:37:46 16 Q. In which it was determined that  
01:37:48 17 supervisory-visit intervals that were shortened  
01:37:51 18 from 30 minutes to 15 minutes for suicide  
01:37:54 19 prevention precautions was, quote, "plainly  
01:37:56 20 inadequate and in violation of Section 7003.3 H."  
01:38:02 21 Do you recall if that's the  
01:38:05 22 substance of what was communicated to you during  
01:38:05 23 the training?  
01:38:05 24 A. Yes.  
01:38:06 25 Q. And are you familiar with Section  
COMPU-TRAN SHORTHAND REPORTING

Robert LeFever

1  
01:38:08 2 7003.3 H?  
01:38:11 3 A. I believe it's Security and  
01:38:16 4 Supervision.  
01:38:16 5 Q. That's in the minimum standards;  
01:38:18 6 correct?  
01:38:19 7 A. Yes.  
01:38:22 8 Q. It also says in this Chairman's  
01:38:25 9 Memorandum that if the objective is to prevent  
01:38:27 10 suicide, only constant observation is effective;  
01:38:30 11 correct?  
01:38:31 12 A. Correct.  
01:38:31 13 Q. Was that covered as part of the  
01:38:32 14 training, then, since 1999, when this memorandum  
01:38:36 15 was discussed?  
01:38:36 16 A. Yes.  
01:38:38 17 Q. And in terms of constant observation  
01:38:43 18 being the only effective method, do you have any  
01:38:47 19 explanation as to why, then, Putnam County's  
01:38:51 20 policies and procedures didn't say that?  
01:38:52 21 A. No.  
01:38:53 22 Q. Since the time that Spencer Sinkov  
01:38:54 23 died in the Putnam County Correctional Facility,  
01:38:57 24 have there been any modifications to any of the  
01:39:00 25 policies which relate in any way to suicide  
COMPU-TRAN SHORTHAND REPORTING

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Robert LeFever

1  
01:39:19 2 prevention?  
01:39:19 3 A. No.  
01:39:19 4 Q. Do you recall any modifications to  
01:39:25 5 any?  
01:39:26 6 (Cell phone interruption and recess  
01:39:26 7 held from 12:47 to 12:53 p.m.)  
01:45:21 8 CONTINUED EXAMINATION BY MS. BERG:  
01:45:21 9 Q. I understand you want to change an  
01:45:25 10 answer.  
01:45:34 11 A. Yes; clarify from before.  
01:45:34 12 Q. Go ahead.  
01:45:36 13 A. You said, did we change anything in  
01:45:38 14 regards to the forms.  
01:45:39 15 No, but we added a step. The  
01:45:43 16 sergeants now have to go and review all the  
01:45:43 17 intakes and sign off on them.  
01:45:47 18 Q. And when you say "all the intakes,"  
01:45:53 19 you mean the suicide prevention form?  
01:45:54 20 A. And the medical screening, yes.  
01:45:56 21 Q. Part of the same packet?  
01:45:56 22 A. Yes.  
01:45:58 23 Q. And when was that step added?  
01:46:01 24 A. A year and a half ago.  
01:46:05 25 Q. And was that added in some type of  
COMPU-TRAN SHORTHAND REPORTING

*Robert LeFever*

1  
01:46:07 2 policy or procedure?  
01:46:08 3 A. No.  
01:46:09 4 Q. How was the staff then notified of  
01:46:10 5 this additional step?  
01:46:13 6 A. They were told.  
01:46:14 7 Q. And did you actually tell them or  
01:46:21 8 somebody else?  
01:46:21 9 A. I did, yes, and someone else.  
01:46:22 10 Q. Each member of the staff?  
01:46:23 11 A. Yes.  
01:46:24 12 Q. And was that in some kind of a group  
01:46:26 13 setting?  
01:46:26 14 A. No, individually.  
01:46:28 15 Q. Was it reduced to writing anywhere,  
01:46:30 16 as far as you know?  
01:46:32 17 A. No.  
01:46:32 18 Q. Prior to the year and a half ago  
01:46:34 19 when this step was added, what was the difference  
01:46:38 20 in terms of the practice?  
01:46:40 21 A. They were supposed to look at it.  
01:46:44 22 It wasn't required. You know, it was recommended,  
01:46:46 23 but it wasn't required.  
01:46:48 24 Q. They didn't have to sign off on it?  
01:46:49 25 A. No, they didn't have to sign off on  
COMPU-TRAN SHORTHAND REPORTING

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*Robert LeFever*

1  
01:46:51 2 it.  
01:46:52 3 Q. Any other changes in any policies or  
01:47:02 4 procedures or practices?  
01:47:05 5 A. No.  
01:47:06 6 Q. Did you ever see Exhibit 18??  
01:47:09 7 (Hanging)  
01:47:09 8 A. Yes.  
01:47:10 9 Q. And it has an effective date of  
01:47:13 10 August 12th, '05.  
01:47:14 11 Do you see that?  
01:47:15 12 A. Yes.  
01:47:16 13 Q. And it has a date of amendment of  
01:47:17 14 February 23rd, '06.  
01:47:18 15 Do you see that?  
01:47:19 16 A. Yes.  
01:47:19 17 Q. It's entitled a "Procedure;"  
01:47:21 18 correct?  
01:47:22 19 A. Yes.  
01:47:22 20 Q. And do you recall when, if at all,  
01:47:25 21 this procedure was either distributed or given  
01:47:26 22 verbally to staff at the jail?  
01:47:34 23 A. The first time or the amended time?  
01:47:36 24 Q. The first time.  
01:47:37 25 A. That would be somewhere in '99.

COMPU-TRAN SHORTHAND REPORTING

*Robert LeFever*

1  
01:47:39 2 Q. And how about the amended time?  
01:47:41 3 A. February of 2006.  
01:47:43 4 Q. And do you recall what was amended  
01:47:45 5 in 2006?  
01:47:47 6 A. No, but it's right here on the  
01:47:50 7 front; we added significant events and  
01:47:54 8 activities.  
01:47:55 9 Q. That's the title, if you will, to  
01:48:01 10 this section that was added on Page 3, Number 2?  
01:48:06 11 A. Yes.  
01:48:08 12 Q. Before February 23, 2006, was there  
01:48:14 13 anything in the procedure that indicated on Page  
01:48:21 14 Z, letter H, 15-minute supervisory visits are not  
01:48:24 15 adequate as suicide prevention precaution?  
01:48:27 16 A. Yes.  
01:48:28 17 Q. And do you recall when that  
01:48:29 18 provision was part of this policy, either from  
01:48:33 19 inception or at some point thereafter?  
01:48:35 20 A. November of '05.  
01:48:36 21 Q. Are these procedures kept in the  
01:48:47 22 facility?  
01:48:47 23 A. Yes.  
01:48:48 24 Q. And what is the method of  
01:48:50 25 distribution of a procedure? Is this the one  
COMPU-TRAN SHORTHAND REPORTING

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*Robert LeFever*

1  
01:48:53 2 that goes into the housing unit and booking  
01:48:56 3 officer books?  
01:48:57 4 A. Yes.  
01:48:57 5 Q. Is there any verbal notification to  
01:49:00 6 officers that a new procedure came out or an  
01:49:03 7 amendment came out?  
01:49:04 8 A. Currently, yes.  
01:49:06 9 Q. How about before?  
01:49:08 10 A. No.  
01:49:08 11 Q. When did that come into place?  
01:49:08 12 A. A year and a half ago.  
01:49:09 13 Q. And what happened a year and a half  
01:49:15 14 ago?  
01:49:15 15 A. I put them all in the books myself,  
01:49:19 16 now. And there's also one at briefing for  
01:49:20 17 30 days, which is -- the staff has to read it and  
01:49:26 18 sign for it.  
01:49:26 19 Q. So, this would have been sometime at  
01:49:30 20 the end of '06 that you began this procedure?  
01:49:38 21 A. Yes.  
01:49:40 22 Q. And whose determination was it to  
01:49:44 23 change the procedure for distributing jail  
01:49:47 24 procedures?  
01:49:48 25 A. Mine.

COMPU-TRAN SHORTHAND REPORTING



**Robert LeFever**

1  
01:40:48 2 Q. Did anybody else have a role in that  
01:40:50 3 decision?  
01:40:52 4 A. No.  
01:40:54 5 Q. Did you consult with anybody about it?  
01:40:56 6 A. No.  
01:40:58 7 Q. What prompted you to do it?  
01:41:00 8 A. Better accountability.  
01:41:02 9 Q. Anything else?  
01:41:04 10 A. No.  
01:41:06 11 Q. So, when this procedure was amended  
01:41:08 12 in November of 2005 to say 15-minute supervisory  
01:41:10 13 visits are not adequate as a suicide prevention  
01:41:12 14 precaution, at that time the procedure would have  
01:41:14 15 simply been placed in the housing unit and  
01:41:16 16 booking logbooks?  
01:41:18 17 A. Yes.  
01:41:20 18 Q. Or procedure books?  
01:41:22 19 A. Procedure books, yes.  
01:41:24 20 Q. Did you ever come to learn at any  
01:41:26 21 point in time that correction officers and  
01:41:28 22 sergeants were not aware of that provision that I  
01:41:30 23 just read being added to the procedure?  
01:41:32 24 A. Yes.  
01:41:34 25 Q. How did you first learn about that?

COMPU-TRAN SHORTHAND REPORTING

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**Robert LeFever**

1  
01:50:35 2 A. Somebody mentioned it during last  
01:50:38 3 summer.  
01:50:40 4 Q. In '07?  
01:50:42 5 A. Yes.  
01:50:44 6 Q. Do you recall who mentioned that to  
01:50:46 7 you?  
01:50:48 8 A. No, I do not.  
01:50:50 9 Q. Was it more than one person?  
01:50:52 10 A. It could've been.  
01:50:54 11 Q. And in substance, were you told that  
01:50:56 12 one correction officer wasn't aware of it, or a  
01:50:58 13 group, or something else?  
01:51:00 14 A. I believe a few weren't aware of it.  
01:51:02 15 Q. And what, if anything, did you do at  
01:51:04 16 that time?  
01:51:06 17 A. Nothing.  
01:51:08 18 Q. Had the procedure already been  
01:51:10 19 changed to now go over new procedures at  
01:51:12 20 briefing?  
01:51:14 21 A. Yes.  
01:51:16 22 Q. And did you mention to anyone else  
01:51:18 23 what you learned of; namely, that there were  
01:51:20 24 correction officers and/or sergeants who are not  
01:51:22 25 aware of the procedure about 15-minute

COMPU-TRAN SHORTHAND REPORTING

**Robert LeFever**

1  
01:51:27 2 supervisory visits are not adequate as a suicide  
01:51:30 3 prevention precaution?  
01:51:32 4 A. I don't understand the question.  
01:51:34 5 Q. Did you tell anybody that you were  
01:51:36 6 told that people, other correction officers, were  
01:51:38 7 not aware of that provision?  
01:51:40 8 A. No.  
01:51:42 9 Q. Did you take any steps as a result  
01:51:44 10 of learning that?  
01:51:46 11 A. No.  
01:51:48 12 Q. For example, have somebody go over  
01:51:50 13 it in briefing, this procedure, to make sure that  
01:51:52 14 everybody was aware of it?  
01:51:54 15 A. I don't remember.  
01:51:56 16 Q. Do you recall when this procedure,  
01:51:58 17 Exhibit 18, was actually placed into the  
01:52:00 18 procedure books at the housing units and the  
01:52:02 19 booking room?  
01:52:04 20 A. Sometime in February/March of '06.  
01:52:06 21 Q. Are you sure of that?  
01:52:08 22 A. Am I sure of that?  
01:52:10 23 Q. Yes.  
01:52:12 24 A. It was given to someone -- it was  
01:52:14 25 given to people to put out.

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**Robert LeFever**

1  
01:52:17 2 Q. Who did you give it to?  
01:52:19 3 A. I don't remember.  
01:52:21 4 Q. Do you know if it actually made it  
01:52:23 5 into the logbooks? I'm sorry; into the procedure  
01:52:25 6 books?  
01:52:27 7 A. No.  
01:52:29 8 Q. And did you, at any point in time,  
01:52:31 9 give this procedure to anybody to give out after  
01:52:33 10 March of 2006?  
01:52:35 11 A. Not that I can recall.  
01:52:37 12 Q. Did you ever do anything to check  
01:52:39 13 the procedure books to see if this procedure was  
01:52:41 14 actually in there?  
01:52:43 15 A. No, I don't remember.  
01:52:45 16 Q. Do you recall that there came a  
01:52:47 17 point in time when the Commission of Corrections  
01:52:49 18 sent an investigator or two to the facility to  
01:52:51 19 interview people concerning Spencer's death?  
01:52:53 20 A. Yes.  
01:52:55 21 Q. And do you recall that was in about --  
01:52:57 22 in or about August of 2006?  
01:52:59 23 A. Yes.  
01:53:01 24 Q. And at that point in time, do you  
01:53:03 25 remember, say, within a month or so of that

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